



AGENDA

Madison County Planning Commission Workshop
Madison County Administrative Auditorium
414 North Main Street, Madison, VA 22727
Wednesday, June 17th, 2026- 6:30 p.m.

YouTube: <https://www.youtube.com/channel/UC62By71sBkniEzxfQNAdEA/videos>

GoToMeeting: <https://meet.goto.com/346319589>

Call to Order

- Determine Presence of Quorum
- Microphone Reminder

Adoption of Agenda

General Public Comment

New Business

- Adoption of Minutes – June 3, 2026
- **(Case No. ZOA-05-26-01) Sign Ordinance Amendment (Second Workshop)**
The Board of Supervisors has directed the Planning Commission to consider amendments to Madison County Code of Ordinances, Appendix 1, Article 12-1-2(16) and 12-6-15.
- **(Case No. ZOA-05-26-02) Site Plan Ordinance Amendment (Second Workshop)**
Staff has proposed an amendment to the Madison County Code of Ordinances, Appendix 1, Appendix A, Article A.9.1 to establish a limit of site plan validity.

Informational/Correspondence

Upcoming Public Hearings and Workshops

- **(Case No. ZOA-05-26-01) Sign Ordinance Amendment (Public Hearing)**
The Board of Supervisors has directed the Planning Commission to consider amendments to Madison County Code of Ordinances, Appendix 1, Article 12-1-2(16) and 12-6-15.
- **In subcommittee (Case No. ZOA-11-25-01) Ordinance Amendment**
The Board of Supervisors has directed the Planning Commission to consider the adoption of a Rural Services/Contractor Use ordinance to allow for small-medium scale, low-impact, service or contracting businesses in rural areas, where such businesses are accessory to or compatible with agricultural, forestry, and low-density residential uses. This SUP is intended to support economic opportunity while ensuring protection of rural character, minimizing adverse environmental impacts, and preserving compatibility with adjacent properties.
- Other cases as referred by the Preliminary Development Review Committee

Other Items from the Planning Commission, Staff, or Public

General Public Comment

Adjournment



Madison, Virginia 22727

Madison County Planning Commission Meeting Minutes June 3, 2026

The Madison County Planning Commission meeting was held in the Madison County Administrative Auditorium at 414 N. Main Street in the Town of Madison, Virginia. The meeting was called to order by Chairman Zachary Whitman at 7:00 PM. The chairman called for the room to recite the Pledge of Allegiance and followed with a moment of silence.

Determine Presence of a Quorum & Microphone Reminder

Chairman Whitman determined there was a quorum.

As a quorum was established the following members were present, Chairman Zachary Whitman, Vice-Chairman Pete Elliott, Commissioners Clay Jackson, Jim Smith, Steve Carpenter, Anne Gore, Wayne Dyer. Also, present was Allen Nicholls, Zoning Administrator, Hannon Wright, County Attorney, and Jonathon Weakley, County Administrator. Board of Supervisor members present were, Chairman Carty Yowell, Vice-Chairman Jim Jewett, Supervisors Jud Buchanan, Nancy Sharman, and Mike Snider. Commissioner Nathan Cowan was absent.

Adoption of Agenda

Elliott moved to adopt the agenda as presented, seconded by Dyer.

**Aye: Whitman, Elliott, Jackson, Smith, Carpenter, Gore, and Dyer; Nay (0); Abstain; (0)
Absent: Cowan.** The motion passed.

General Public Comment

The Chairman opened the floor to public comment. Hearing none, the floor was closed.

New Business

Adoption of Minutes – May 20, 2026

Jackson moved to approve the minutes as presented, seconded by Gore.

Aye: Whitman, Elliott, Jackson, Smith, Carpenter, Gore, and Dyer; Nay (0); Abstain; (0)
Absent: Cowan. The motion passed.

Public Hearings

(Case No. ZOA-02-26-02) Zoning Ordinance Amendment – Special Use for SFR in B-1

The Madison County Code of Ordinances Appendix 1, Article 8 does not allow a single-family, detached residence in the B-1 zoning district by-right or by SUP. Madison County Code of Ordinances, Appendix 1, Article 14-7 allows for an application to be made for a use not provided for. Concurrent with the application below, the Planning Commission is considering amending the ordinance to allow this use by SUP.

Nicholls – reviewed revised ordinance language for residential uses in the B1 district after an earlier proposal received little support. The amendment would allow, by special use permit, an apartment or dwelling as a secondary use within a principal business structure or through the conversion of an existing accessory building to a single-family dwelling, limited to occupancy by the owner, a family member, or a caretaker.

Wright – clarified option 3 allows flexibility for “owner” to refer to the property owner or business owner, to allow for cases where a business leases the property.

Nicholls – noted that monitoring who resides in a dwelling is generally outside the County’s normal regulatory role and difficult to enforce through private rental or living arrangements.

Several members opposed the proposed amendment, stating that it would weaken the integrity of the B1 zoning district by creating unnecessary exceptions and that existing zoning provisions already provide appropriate residential options.

Evans Oakerson – Aroda resident, applicant on next case – noted that there are numerous residences surrounding the property in the next case.

The Chairman opened the floor to additional public comment. Hearing none, the floor was closed.

Elliott made a motion that case no. ZOA-02-26-02 be recommended for denial by the board of supervisors, seconded by Dyer.

Aye: Whitman, Elliott, Smith, Dyer; Nay: Jackson, Carpenter, Gore; Abstain; (0) Absent: Cowan. The motion passed.

(Case No. SUP-02-26-02) Janine Jensen – Use Not Provided For, SFR in B-1

Evans Oakerson, on behalf of property owner, Janine Jensen, has applied for a special use permit for a “use not provided for” to convert a building that is currently being used as a business office into a residence on property identified as Madison County tax map 55-24, and further identified as 27 Jacks Shop Rd. The subject parcel is 3.567 acres (GIS) and is zoned B-1. The Madison County Code of Ordinances Appendix 1, Article 8 does not allow a single-family, detached residence in the B-1 zoning district by-right or by SUP.

Nicholls – without the zoning ordinance amendment, there is no path for approval for this special use permit.

The Chairman opened the floor to public comment. Hearing none, the floor was closed.

Jackson made a motion that case no. SUP-02-26-02 be recommended for denial by the board of supervisors, seconded by Dyer.

Aye: Whitman, Elliott, Jackson, Smith, Carpenter, Gore, and Dyer; Nay (0); Abstain; (0) Absent: Cowan. The motion passed.

(Case No. RZ-04-26-01) Ace Country Holdings LLC – Rezoning Application

Will Alvarez, on behalf of Ace Country Holdings, LLC, has submitted a rezoning application for three (3) parcels identified as Madison County tax maps; 55-43B, 55-38G, and 55-38H. The parcels are currently zoned Agricultural (A-1) and are proposed to be rezoned to Business, General (B-1).

Wayne Dyer recused himself from the case to avoid the appearance of conflict of interest, due to a business relationship between the applicant and the company that Mr. Dyer works for.

Nicholls – presented a request to rezone three parcels in Shelby to B1, allowing expansion of an existing business onto adjacent properties consistent with the Comprehensive Plan and Highway 29 Corridor Study.

The Chairman opened the floor to public comment. Hearing none, the floor was closed.

Jackson made a motion that case no. RZ-04-26-01 be recommended for approval by the board of supervisors, seconded by Gore.

Aye: Whitman, Elliott, Jackson, Smith, Carpenter, Gore; Nay (0); Abstain: Dyer; Absent: Cowan. The motion passed.

(Case No. SU-04-26-01) Diane Miller – Special Use Permit

Diane Miller, on behalf of David & Elizabeth Purdue, has submitted an application for a special use permit for two (2) parcels identified as Madison County tax maps; 66-5 and 66-5B. The proposed use is a private school in accordance with the Madison County Code of Ordinances, Appendix 1, Article 4-2-1 and 3-2-11. The proposed school will offer private cooking classes. In addition, the application proposed use of an existing building as a general store in accordance with Article 3-2-4 and Article 20-87.

Nicholls – corrected information provided at a previous workshop, noting that records show the former store’s underground fuel tanks were removed—not abandoned in place—in 1996. Permit documentation indicated a 1,000-gallon tank and a 2,000-gallon tank were removed, soil samples were taken, and the tanks were found to be in good condition.

Carpenter – supported the proposal as generally consistent with the rural character of the area and the Comprehensive Plan but expressed concern that approving a broad private school use without conditions could allow a wide range of future uses across the entire parcel. The speaker emphasized that the application's stated limitations would not be enforceable unless incorporated as permit conditions and suggested that the proposed retail component may be more appropriately classified as an antique, craft, or gift shop rather than a general store.

Diane Miller – applicant – described the proposal as a small-scale, boutique destination experience focused on two-day cooking and craft classes limited to 12 participants. The business model emphasizes personalized instruction, rural hospitality, and support for local lodging and dining establishments, with an intentional focus on quality over volume and preserving the property's open space and rural character. She also requested flexibility for occasional small-scale activities, such as seasonal sales, garden tours, or book signings, while emphasizing that attendance would remain limited by site capacity and operational constraints.

Additional discussion continued.

The Chairman opened the floor to public comment.

Chip Queitzsch – Madison Mills resident – cited the following concerns: noise, light, change of character of area, scope, no size limit, too much parking, too close to neighbors for activity, limit uses, limit numbers, limit hours of operation, no outdoor music, allow privacy for neighbors, all outdoor lighting downward should be facing.

Randy Merrick – Madison Mills resident – cited the following concerns: get all regulations in place before issuing SUP, limit to small scale. Would like more detail before granting. Concern that the next owner will go overboard with this SUP.

Tracy Gardner – County Staff - Aroda Resident – EDC- PDRC – Tourism Dept – This is good for the county, aligns with Comprehensive plan. Increase tourism and go hand in hand with local lodging. Compliments most other businesses in the county. Does not expect traffic in the area to be excessive. Strongly recommend approval.

Caroline Merrick – Madison Mills resident – cited the following concerns: near cooking area, fire hazard, traffic, number of attendees, noise, structural concerns, code violations, no outdoor events, flood concerns, property rights protection.

Joe Henshaw, Contractor – renovated home for the Perdues (sellers) previously. ADA compliant entrance in back of home, needs to be repaired. New ventilation to help with fire safety, but no commercial fire suppression is needed. Fire extinguishers are required in any new kitchen. Diane wants to keep look of the old store while updating safety and bringing up to code. New drainfield will be installed. New plans to keep old farmhouse look. Most of the wiring is new about 4 years ago. Everything will be brought up to code. 2 buildings to be removed. Need new parking lot.

Lindsay Sandford – cited the following concerns: flood zone issues for the property in question.

Hearing no further public comment, the floor was closed.

Carpenter – supported the proposal but recommended conditions, particularly to limit outdoor events and amplified sound to protect nearby neighbors.

Following discussion, the conditions recommended to go with the SUP are as follows:

the permit runs with the applicant, no amplified outdoor music, and that lighting should be minimized to preserve dark skies and minimize off-site glare.

Elliott made a motion that case no. SU-04-26-01 be recommended for approval by the board of supervisors with the following conditions: no outdoor amplified music and the SUP runs with applicant, seconded by Jackson.

Aye: Whitman, Elliott, Jackson, Smith, Carpenter, Gore, Dyer; **Nay:** (0); **Abstain:** (0)
Absent: Cowan. The motion passed.

(Case No. ZOA-06-26-01) Definition Updates Related to R-3 and R-4 Amendments

Staff is proposing amendments to selected definitions within Article 20 of the Madison County Zoning Ordinance that directly relate to the pending R-3 amendments and the establishment of the R-4 zoning district. The purpose of these updates is to modernize terminology and align key development-related definitions with language commonly used by real estate professionals, planners, and developers in current practice. These revisions are intended to ensure clarity, internal consistency, and a shared understanding of terms as the County moves forward with the proposed R-3 and R-4 framework. This workshop item will focus solely on those definitions necessary to support the proposed zoning amendments, with a broader ordinance-wide definitional audit to be considered at a future date.

Nicholls – explained that, during development of the R3 and R4 districts, several ordinance definitions were found to be inconsistent with commonly accepted planning and development terminology. The proposed amendments update those definitions using recognized industry and planning sources to ensure consistent understanding among staff, developers, engineers, and property owners.

The Chairman opened the floor to public comment. Hearing none, the floor was closed. Smith motion to approval, Carpenter second. Aye all but Pete.

Smith made a motion that case no. ZOA-06-26-01 be recommended for approval by the board of supervisors, seconded by Carpenter.

Aye: Whitman, Jackson, Smith, Carpenter, Gore, Dyer; **Nay:** Elliott; **Abstain:** (0) **Absent:** Cowan. The motion passed.

Upcoming PC Workshop Items

(Case No. ZOA-05-26-01) Sign Ordinance Amendment (Second Workshop)

The Board of Supervisors has directed the Planning Commission to consider amendments to Madison County Code of Ordinances, Appendix 1, Article 12-1-2(16) and 12-6-15.

(Case No. ZOA-05-26-02) Site Plan Ordinance Amendment (First Workshop)

Staff has proposed an amendment to the Madison County Code of Ordinances, Appendix 1, Appendix A, Article A.9.1 to establish a limit of site plan validity.

In subcommittee (Case No. ZOA-11-25-01) Ordinance Amendment

The Board of Supervisors has directed the Planning Commission to consider the adoption of a Rural Services/Contractor Use ordinance to allow for small-medium scale, low-impact, service or contracting businesses in rural areas, where such businesses are accessory to or compatible with agricultural, forestry, and low-density residential uses. This SUP is intended to support economic opportunity while ensuring protection of rural character, minimizing adverse environmental impacts, and preserving compatibility with adjacent properties.

Other cases as referred by the Preliminary Development Review Committee

The Chairman opened the floor for general public comment. Hearing none, the floor was closed.

Adjournment

Jackson made a motion to adjourn, seconded by Gore.

Aye: Whitman, Elliott, Jackson, Smith, Carpenter, Gore, Dyer; Nay (0); Abstain; (0)

Absent: Cowan. The motion passed.

End of Minutes:

Attest:

Zachary Whitman, Chairman of Planning Commission

Date:

Allen Nicholls, Secretary of Planning Commission

Date:



Madison County, Virginia – Planning Commission

Date: June 17, 2026

Agenda Item: The Board of Supervisors has directed the Planning Commission to consider amendments to Madison County Code of Ordinances, Appendix 1, Article 12-1-2(16) and 12-6-15.

Prepared and presented by: Allen Nicholls, Planning and Zoning Administrator

Sign Ordinance Amendment

Case Number: ZOA-05-26-01

The proposed amendments to Article 12 revise the definition of “temporary sign” to clarify that such signs are not permanent and are typically intended for short-term display, including banners, inflatables, A-frames, and lawn signs. The amendments also establish dimensional standards by limiting temporary signs to no more than two display sides and a maximum size of 6 square feet, while removing the existing requirement that temporary signs describe a seasonal or brief use conducted on the same property and the requirement that such signs conform to the size standards for directional signs. Additional amendments to Section 12-6-15 clarify that election-day sign regulations apply to “the final day of the election”.

ARTICLE 12. SIGN REGULATIONS

Statement of Intent

The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the County, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly, and effective display of Outdoor Advertising.

12-1. Advertising Outdoors Regulated.

12-1-1. No person except a public officer or employee in performance of a public duty, shall paste, post, paint, nail, tack, erect, place, maintain, or fasten any sign, pennant, outdoor advertising sign, billboard, or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

12-1-2. Definitions of types and categories of signs regulated by this article are listed below:

1. *Auction Sign.* A sign, not illuminated, advertising an auction to be conducted on or off the lot or premises upon which it is situated. Such signs may be erected not more than one month before the date of the auction advertised and shall be removed within 48 hours of its conclusion.
2. *Business Sign.* A sign either free standing or projecting on wall, which directs attention to product(s), commodity(ies), and/or service(s) available on the lot, premises, or farm upon which it is situated.
3. *Directional Sign.* A sign (one end of which is pointed, on which an arrow is painted or otherwise indicated the direction to which attention is called) not illuminated, four square feet or less in area, giving the name only of a person(s), farm, business, or other establishment.
4. *Free Standing Sign.* A business sign located upon a lot or parcel of ground within the required setback area, not attached to the main building.
5. *General Outdoor Advertising Sign.* A sign which directs attention to a product, commodity, or service not necessarily available on the premises.
6. *Home Occupation Sign.* A sign not exceeding four square feet in area directing attention to a service available on the premises, but which service is clearly a secondary use of the dwelling.
7. *Hunting, Fishing or Trespassing Sign.* A sign, not illuminated, 1 ½ square feet or less in area erected on the appurtenant premises solely as a warning or notice.
8. *Identification Sign.* A sign which identifies or otherwise describes the name, ownership, or location of the lot or parcel of land upon which it is situated.
9. *Illuminated Sign.* A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.
10. *Location Sign.* A sign which directs attention to the approximate location of an establishment from which the advertised products, service, or accommodation may be obtained and not situated upon the premises upon which such establishment is located.

ARTICLE 12. SIGN REGULATIONS

11. *Deleted from ordinance.*
12. *Projecting Sign.* A business sign projecting perpendicularly to the building wall surface to which it is attached, no part of which is more than six feet from the wall surface of the building on which it is erected.
13. *Public Sign.* A sign owned by and erected at the instance of a Federal State or local government agency.
14. *Sale or Rental Sign.* A sign, not illuminated, which designates all or portions of the lot or premises upon which it is located to be for sale or lease. Such signs shall be removed within one week of sale or lease of the lot or premises upon which it is situated. The lettering or message on any one side of such sign may be different from any other side.
15. *Subdivision Sign.* A sign, not illuminated, 40 square feet or less in aggregate area identifying a subdivision and located thereon at the entrance to such subdivision. Said sign shall be no greater in height than six feet, and setback from any right-of-way for proper sight distance.
16. *Temporary Sign.* A sign, not illuminated, ~~describing a seasonal or brief use being conducted upon the lot or premises upon which the sign is located.~~ **and not permanent, and often used for short term display, such as banners, inflatables, A-frames, and lawn signs.** Temporary signs shall ~~conform in size to directional signs~~ **not exceed 6 square feet, and not have more than two sides for display..**
17. *Wall Sign.* A business sign erected or painted on a building visible from the exterior thereof, no part of which is more than 12 inches from the surface of the building on which it is erected. Such sign may be illuminated by indirect method.

(Ord. No. 2011-4, § 2, 4-12-2011; Ord. No. 2021-8, 8-4-2021)

12-2. *Area Regulations for Signs By Zones.*

12-2-1. *Agricultural, A-1 and Conservation, C-1.*

1. *Business signs.* Maximum size of total surface area 32 square feet.
2. *Church bulletin boards and identification signs.* 40 square feet limit.
3. *Directional signs.* Four square feet limit.
4. *General advertising signs.* 80 square feet limit.
5. *Home occupation signs.* Eight square feet limit per sign.
6. *Temporary signs.* 40 square feet limit.

12-2-2. *Residential, R-1, R-2, and R-3.*

1. Business signs, only to advertise the sale or rent of the premises upon which erected, with a total surface area not exceeding 32 square feet per sign.
2. Church bulletin boards and identification signs, with a total surface area not exceeding 40 square feet per sign.
3. Directional signs, with a total surface area not exceeding four square feet per sign.
4. Home occupation signs, with a total surface area not exceeding eight square feet per sign.
5. Temporary signs with approval from the Zoning Administrator- 40 square feet limit.

ARTICLE 12. SIGN REGULATIONS

12-2-3. *Business B-1.*

1. *Business sign, free standing.* 100 square feet limit.
- 1A. *Business sign, projecting or wall.* Two square feet for each linear foot of building frontage limit.
2. *Church bulletin boards and identification signs.* 40 square feet limit.
3. *Directional signs.* Eight square feet limit.
4. *General advertising signs.* 100 square feet limit.
5. *Home occupation signs.* Eight square feet limit.
6. *Temporary signs.* 40 square feet limit.

12-2-4. *Industrial M-1 and M-2.*

- a. *Business or Industrial Signs.* 150 square feet limit.
- b. *Identification Signs.* 80 square feet limit.
- c. *Directional Signs.* Eight square feet limit.
- d. *General Advertising Signs.* 100 square feet limit.
- e. *Temporary Signs.* 40 square feet limit.

12-3. *Setback Requirements.*

Signs with a total surface area less than four square feet per sign may be erected up to the property line. Signs with a total surface area more than four square feet but less than ten square feet per sign shall be located 15 feet or more from any street right-of-way. All signs exceeding ten square feet in total surface area shall setback 25 feet or more from any street right-of-way.

12-4. *Height Regulations.*

Free standing signs shall not exceed a height of 20 feet above ground level or the street to which it is oriented, whichever is higher, without a special use permit.

12-5. *Prohibited Signs.*

No sign shall be erected, maintained or operated:

- 12-5-1. (Except for authorized traffic signs) which is located at the intersection of any street in such a manner as to create a traffic hazard by obstructing vision between heights of 2 ½ and eight feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- 12-5-2. Which imitates or resembles any official traffic sign, signal, or device or uses the words "Stop" or "Danger" prominently displayed or presents or implies the need or requirement of changing speed or direction or the existence of danger on any highway.
- 12-5-3. Which is not effectively shielded so as to prevent beams or rays of light from being directed as any portion of the traveled ways of a street or highway and which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle.
- 12-5-4. Which advertises any activities which are illegal under State or Federal law or regulations in effect at the location of such sign or at the location of such activities.
- 12-5-5. Which is obsolete or inconsistent with State law or the provisions of this ordinance.

ARTICLE 12. SIGN REGULATIONS

12-5-6. Which is located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant except (1) any sign erected or maintained by or under the supervision of County or other governmental authority or the Virginia Department of Highways and (2) any other sign which is specifically provided for or permitted in this article.

12-5-7. Which is fastened, placed, painted, pasted or attached in any way to, in or upon any tree, fence, public utility pole, rock, curbstone, sidewalk, lamppost, hydrant, bridge, highway marker or another sign except such as may be:

- (1) Required by law;
- (2) So placed by a duly authorized governmental agency;
- (3) So placed not as an advertisement but as a warning against hunting, fishing or trespassing; or
- (4) Not visible from any highway.

12-5-8. Which violates any provisions of the laws of Virginia relating to outdoor advertising including Code of Virginia, §§ 13.1-351 to 33.1-381, inclusive, and 46.1-174, as amended.

12-6. *Permitted Signs.*

12-6-1. Only signs as listed and described in this subsection or otherwise provided for in the sub-sections of this section shall be permitted and these shall be subject to such regulations as are specifically set forth in each case and to all other regulations in this ordinance. No other signs shall be permitted. The permitted signs in Madison County are:

12-6-2. Government Signs: Signs erected and maintained by the Virginia Department of Highways or other governmental authorities in accordance with law.

12-6-3. Historical markers erected by duly authorized public authorities.

12-6-4. Danger, aviation, railroad, bridge, ferry, transportation, Red Cross, public utilities, and other signs as set forth in section 33.1-355.

12-6-5. Hunting, fishing, or trespassing signs erected on the appurtenant property solely as a warning or notice. Such signs shall not exceed an area of 1.5 square feet and shall not be illuminated.

12-6-6. Directional signs of a public or quasi-public nature identifying or locating a town, hospital, community center, public building, or historical place situated in Madison County, Virginia, and also signs identifying or locating a school, college, YMCA, church, or similar place of workshop, board of trade, service club, soil conservation activity, 4-H Club, Isaac Walton League, Chamber of Commerce, or similar public or quasi-public activity for religious, civic, educational, or cultural purposes and signs drawing attention to public conveniences relating to such places or activities.

12-6-7. Name signs upon property displaying the name or address of the premises and the nature of the home occupation.

12-6-8. Home occupational signs upon property displaying the name and/or address of the occupant of the premises and the nature of the home occupation.

12-6-9. Tourist home signs, announcing accommodations only when located on the premises.

12-6-10. Farm signs and wayside stand signs erected or maintained on any farm by the owner or tenant of such farm and relating solely to farm or horticultural produce, livestock, or services sold, produced, manufactured, or furnished on such farm.

12-6-11. Store window signs or displays on or within store windows.

ARTICLE 12. SIGN REGULATIONS

- 12-6-12. Construction signs erected and maintained on the site of a structure during the period of construction to announce only the nature of the structure and/or the name or names of the owner, contractor, architect, or engineer.
- 12-6-13. Business signs, exclusive of billboards, of a character which have not been listed or described, provided they advertise only businesses located in Madison County, Virginia. Subject to design, height, bulk, and lighting in Madison County, Virginia. Subject to design, height, bulk, and lighting approval by the Planning Commission.
- 12-6-14. Temporary signs may be permitted in reasonable number as determined by the Zoning Administrator, provided these are not illuminated and a permit is obtained from the Zoning Administrator, if required, provided that in all zones such signs shall not exceed ten square feet in area.
- 12-6-15. Unlighted, temporary signs, as defined by this article, erected within 36 hours of polls opening on election day (**meaning the final day of the election**), to include special elections, or a nominating caucus for a political party registered in the Commonwealth of Virginia, at any polling location property that is owned by the County are permitted. Any such signs at polling places must conform to this article as well as to the requirements of the Virginia Code, including § 24.2-310 and § 24.2-604, and shall not be placed in the "Prohibited Area" within 40 feet from the entrance of polling places. Any signs either not complying with this article and this section, or any signs not removed within 36 hours after the polls close on election day, shall constitute grounds for the Zoning Administrator to have the sign removed and/or destroyed. Except as permitted by this ordinance or as otherwise permitted in Article 12, no signs shall be erected on County-owned property. The Zoning Administrator shall have the authority to have any non-complying signs on County-owned property removed and/or destroyed.

(Ord. No. 2023-4, 8-22-2023)

12-7. *Other General Regulations for Signs.*

- 12-7-1. All signs shall comply with the provisions of this article and it shall be unlawful for any person to erect or maintain a sign which does not comply.
- 12-7-2. Whenever a sign becomes structurally unsafe, or endangers the safety of a structure or premises or the public or is erected or maintained in violation of this ordinance, the Zoning Administrator shall order such sign to be made safe, or comply with this ordinance, as the case may be, or be removed. Such order shall be sent by registered mail and shall be complied with within 12 days from the date of the mailing of said order to the person owning or responsible for the sign. Failure to comply shall constitute grounds for the Zoning Administrator to have the sign removed and the cost thereof shall be added to any fine imposed for violation under this ordinance.
- 12-7-3. No sign shall be located or illuminated in such a manner as to cause a traffic hazard. No flashing, rotating, visually moving or physically agitated signs are permitted in any district.
- 12-7-4. No business signs shall be restored, or transferred to another business, product, commodity or service, unless such sign conforms with the provisions of this ordinance.

12-8. *Temporary Signs.*

- 12-8-1. Temporary signs will be regulated as described in 12-7 through 12-7-4. Erectors of same should keep in mind that the prime criteria for judging the sign, size, and location will be the degree to which it provides as nuisance or danger to the public.

12-9. *Nonconforming Signs.*

ARTICLE 12. SIGN REGULATIONS

Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance. Such nonconforming sign shall comply in all respects with the requirements of article 13 relating to non-conforming uses.



Madison County, Virginia – Planning Commission

Date: June 17, 2026

Agenda Item: Staff has proposed an amendment to the Madison County Code of Ordinances, Appendix 1, Appendix A, Article A.9.1 to establish a limit of site plan validity.

Prepared and presented by: Allen Nicholls, Planning and Zoning Administrator

Site Plan Ordinance Amendment

Case Number: ZOA-05-26-02

Madison County’s current site plan validity provisions were adopted to provide developers with a reasonable period of time in which to pursue approved projects while also ensuring that development approvals do not remain indefinitely active without meaningful progress. The ordinance presently states that an approved final site plan shall remain valid for “not less than five years” from the date of approval, or for such longer period as the designated agent may determine to be reasonable considering the size and phasing of the proposed development. The ordinance also authorizes extensions of approval and recognizes protections afforded under Virginia vested rights law. While these provisions provide important flexibility for legitimate development projects, the ordinance does not expressly address what occurs when a site plan remains inactive for an extended period of time, particularly in situations where no specific validity period was identified at the time of approval and substantial portions of the approved development were never constructed.

Recent administrative experience has demonstrated the need for additional clarification within the ordinance. In April 2026, the Madison County Board of Zoning Appeals considered an appeal involving property identified as Tax Map Parcels 40-25, 40-28D, 40-28B, 40-32E, 40-32F, and 40-32A. In that case, the appellant asserted that a site plan recorded in or around 1973 established vested rights for an eighty-seven (87) unit mobile home park, despite the fact that only approximately twenty-six (26) mobile home sites had historically been established and maintained on the property. Staff’s determination concluded that only the existing twenty-six (26) sites constituted the lawful nonconforming use because the remaining portions of the proposed development had not been diligently pursued and there was no evidence of substantial

expenditures or ongoing development activity directed toward completion of the full eighty-seven (87) site project over a period exceeding fifty years.

Although the appeal was ultimately denied based upon the “diligent pursuit” requirements contained within Virginia vested rights law, the case highlighted an ambiguity within the County’s ordinance. Specifically, the ordinance establishes a period of validity for approved site plans but does not expressly define the status of approvals that remain dormant for decades without meaningful development activity. As a result, staff was required to rely primarily upon the vested rights provisions of Virginia Code § 15.2-2307 rather than clear ordinance language addressing abandonment or lapse of inactive site plan approvals. The absence of such language creates uncertainty for both property owners and the County regarding whether historic conceptual plans remain indefinitely viable despite prolonged inactivity and changing land use conditions.

The proposed ordinance amendment is intended to address this issue by clarifying that site plan approvals are not intended to survive indefinitely in the absence of continued development activity or approved extensions. At the same time, the amendment is not intended to create inflexible expiration standards or penalize developers engaged in legitimate ongoing projects. Large or phased developments frequently require extended timelines due to financing, infrastructure construction, utility coordination, permitting delays, market conditions, or other factors beyond the developer’s control. For that reason, the proposed amendment preserves the authority of the designated agent to establish longer initial validity periods where appropriate and to grant reasonable extensions when a project is continuing to progress in good faith.

The primary purpose of the amendment is therefore to distinguish between projects that are actively progressing and projects that have effectively been abandoned. Under the proposed language, site plans that continue to demonstrate substantial construction activity, ongoing development efforts, or other evidence of diligent pursuit may remain active through extensions or other protections afforded under state law. Conversely, projects that remain dormant for extended periods without meaningful advancement would no longer retain indefinite development potential solely because a site plan was once approved or recorded.

Staff believes the proposed amendment will improve administrative clarity, provide more predictable standards for property owners and developers, and better align the County’s ordinance with the principles embodied in Virginia vested rights law. The amendment also helps protect the integrity of the County’s long-range planning objectives by ensuring that obsolete or

abandoned development approvals do not continue indefinitely despite substantial changes in zoning patterns, infrastructure, community conditions, or surrounding land uses. In addition, clarifying the ordinance language may reduce the likelihood of future disputes regarding dormant site plans and lessen the need for fact-intensive vested rights determinations in situations involving decades of inactivity.

For these reasons, staff believes the proposed amendment represents a reasonable and balanced approach that preserves flexibility for legitimate ongoing development while clarifying that inactive and unpursued site plan approvals may eventually lapse or be deemed abandoned.

its designated administrative agent, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways.

A.8.8.1.3.1. In lieu of such bond, the Board or its agent may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the Board or its agent as to the bank or savings institution, the amount and the form, or it may accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the developer's liability for maintenance of such road.

A.8.8.1.3.2. As used herein, the phrase "maintenance of such road" means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

A.9. *Validity.*

A.9.1. An approved final site plan shall be valid for a period of not less than five years from the date of approval thereof, or for such longer period as the designated agent may, at the time of approval, determine to be reasonable, taking into consideration the size, complexity, and/or phasing of the proposed development. **If no longer validity period is expressly established at the time of approval, the site plan shall expire five (5) years from the date of approval unless; an extension is granted pursuant to this section by the designated agent; substantial construction or development activity related to the approved project is occurring; the project is being diligently pursued in good faith; or vested rights are otherwise preserved pursuant to the Code of Virginia. A final site plan that has expired and for which no extension has been granted shall be deemed abandoned and of no further force and effect with respect to any undeveloped portion of the approved project. Construction or establishment of only a portion of an approved development shall not, by itself, preserve the validity of unconstructed portions of the site plan absent continued diligent pursuit of the remaining development.**

A.9.1.1. Notwithstanding the foregoing, an approved final site plan shall remain valid for any period(s) of time required by Code of Virginia, § 15.2-2209.1(A), if any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

A.9.1.2. Upon application of a developer filed prior to expiration of a final site plan the designated agent may grant one or more extensions of such approval for additional periods as it may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development and the laws, ordinances and regulations in effect at the time of the request for an extension.

A.9.1.3. If the designated agent denies an extension requested and the developer contends that the denial was not properly based on the applicable ordinance, or the foregoing considerations for granting an extension, or was arbitrary or capricious, the developer may appeal to the Madison County Circuit Court, provided that such appeal is filed with the Circuit Court within 60 days of the written denial by the designated agent.

A.9.2. Applications for modifications to an approved site plan shall be submitted and reviewed in the same manner as provided by this ordinance for all site plans. Application for minor modifications